

1 Stephen M. Doniger (SBN 179314)
2 stephen@donigerlawfirm.com
3 Kelsey M. Schultz (SBN 328159)
4 kschultz@donigerlawfirm.com
5 DONIGER / BURROUGHS
6 603 Rose Avenue
7 Venice, California 90291
8 Telephone: (310) 590-1820

9 Attorneys for Plaintiff

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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13

14 Elizabeth Waterman,
15 Plaintiff,

16 v.

17 Radass, et al.,
18 inclusive,
19 Defendants.

Case No: 2:22-cv-03381-DSF-PD
Hon. Dale S. Fischer Presiding

**PLAINTIFF'S RESPONSE TO ORDER
TO SHOW CAUSE**

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21 *TO THE COURT, ALL PARTIES, AND ATTORNEYS OF RECORD:*

22 PLEASE TAKE NOTICE THAT Plaintiff respectfully submits this response to
23 the Court's December 5, 2022, Order to Show Cause filed under docket no. 18
24 ("Order"). Plaintiff respectfully requests that the Order be discharged or continued
25 for the following reasons:
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1 Plaintiff brought this lawsuit on May 15, 2020, alleging claims of copyright
2 infringement. On November 4, 2022, Plaintiff served the summons and complaint
3 upon Radass as evidence by the Proof of Service filed under Docket No. 17.
4 Following service of the Complaint, Plaintiff discovered that the true owner of the
5 website www.radass.com is Jonathan Byerly, Jr. of Lakewood, Washington and that
6 Mr. Byerly is solely responsible for the infringing use of Plaintiff's photograph
7 alleged in the Complaint.

8 Plaintiff located Mr. Byerly and ordered service to be performed via process
9 server and was informed on December 19, 2022 that service was successful. Attached
10 hereto as **Exhibit A** is a true and correct copy of the confirmation email received by
11 Plaintiff's counsel from Atlanta Process Servers, LLC. Plaintiff has requested a
12 signed copy of the affidavit of service but was informed that a copy won't be
13 available till tomorrow morning.

14 Given the foregoing, Plaintiff respectfully requests that the Court continue the
15 Order to Show Cause date for an additional three (3) days for purposes of (1)
16 withdrawing the proof of service filed under Docket No. 17 and (2) obtaining a
17 signed affidavit from Atlanta Process Servers, LLC and filing it with the Court.

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19 Respectfully submitted,

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21 Dated: December 19, 2022

By: /s/ Kelsey M. Schultz
Stephen M. Doniger, Esq.
Kelsey M. Schultz, Esq.
DONIGER / BURROUGHS
Attorneys for Plaintiff